

**6092. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 12 Cases of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 8801. I. S. No. 2671-p. S. No. E-979.)

On February 19, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 12 cases of a product purporting to be olive oil, consigned on or about November 19, 1917, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by A. J. Barbanera, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, "Finest Quality Olive Oil Extra Pure of Termini. Imerese Italy. Packed by Sicilia Italia Guaranteed Absolutely Pure. Net Contents Half Gallon."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the packages and labels thereof bore a statement which was false and misleading, that is to say, the words, "Olive Oil," in that said product was not olive oil, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not; and for the further reason that by manner of display it led the purchaser to believe that the article was a foreign product, when, in truth and in fact, it was a product of domestic manufacture; and for the further reason, in substance, that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On March 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal at public auction in a package or packages properly branded, denoting that the contents consisted of cottonseed oil instead of olive oil.

CARL VROOMAN, *Acting Secretary of Agriculture.*